

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|----------------------------------|---|----------------------------|
| NOLEN SCOTT ELY, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | CASE NO. 3:09-cv-02284-MCC |
| |) | |
| |) | Chief Magistrate Judge |
| v. |) | Martin C. Carlson |
| |) | |
| CABOT OIL & GAS |) | |
| CORPORATION, |) | |
| |) | |
| Defendant. |) | |

**PLAINTIFFS’ MOTION FOR A PROTECTIVE ORDER
AND OTHER RELIEF**

1. Plaintiffs, Nolen Scott Ely and Monica Marta-Ely, individually, and on behalf of their minor children, and Ray Hubert, Victoria Hubert and Hope Hubert (cumulatively, “Plaintiffs”), move the Court for an Order pursuant to its inherent powers, and Rule 26(c) of the Federal Rules of Civil Procedure:

- (i) Vacating Notices of Deposition of Plaintiffs’ expert trial witnesses served by Defendant Cabot Oil & Gas Corporation (“Defendant” or “Cabot”) demanding their production during the week of July 7, 2015 (Exhibit “1”);
- (ii) Directing that no deposition of expert trial witnesses shall proceed until pending water analyses data from both sides has been exchanged and analyzed, and the deadline for final Response Reports to Expert Reports has expired according to the current Scheduling Order in this matter (Doc. 594)

(iii) Directing that, to expedite proceedings, deposition of Plaintiffs' expert trial witnesses may proceed immediately following completion of deposition of Defendant's expert trial witnesses; and

(iv) Directing attendance of all counsel at a telephonic conference with the Court to discuss further issues that may exist regarding the current Scheduling Order (Doc. 594) and the possibility of amending the Scheduling Order in a manner proposed by Plaintiffs in their Proposed Order (Exhibit "2"), incorporated here by reference.

2. Parties have been working in good faith to resolve disputes without eliciting involvement of the Court, while striving to accommodate the challenging deadlines provided for in the most recent Scheduling Order. (Doc. 594)

3. In the instance of the relief sought in this motion, Parties have been unable to reach a consensus.

4. As more thoroughly detailed in the annexed Memorandum of Law, Defendants have attempted to box Plaintiffs into submitting to deposition of their expert witnesses on dates that are unsuitable, burdensome and prejudicial to the Plaintiffs' experts and their cases.

5. Therefore, Plaintiffs request an Order of the Court as described herein and consistent with the Plaintiffs' Proposed Order. (Exhibit "2")

June 23, 2015

Respectfully submitted:

/s/ Leslie L. Lewis

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